



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations, *Chair*
Communication and Public Utilities
Education
Regulated Industries
Rules and Calendar

SELECT COMMITTEE:

Constitutional Amendment Implementation

JOINT COMMITTEE:

Legislative Budget Commission,
Alternating Chair

SENATOR KEN PRUITT

28th District

August 19, 2003

Dear Friends:

I know it is important for you to receive the most accurate and up to date information regarding the Medical Malpractice session in Tallahassee. Below are the highlights of the Senate Medical Malpractice Plan which passed yesterday 32-6. The Senate Medical Malpractice Reforms includes, but is not limited to the following:

- Cap non-economic damages at \$500,000 per aggregate group of defendants, except in cases of catastrophic injury such as death, coma, severe and permanent brain damage, mastectomy, loss of reproductive capabilities, hemi paresis, paraplegia, quadriplegia, blindness, and permanent vegetative state wherein a jury can award up to \$2 million per aggregate group.
- Protections for our doctors to administer emergency care in code blue situations, keeping our emergency rooms and trauma centers operating.
- Require parties to participate in mandatory in-person mediation in order to provide earlier relief to victims and a quicker resolution for all parties.
- Discourage frivolous lawsuits by requiring pre-suit screenings panels, made up of two physicians, two attorneys and certified mediator to assess viability of claim.
- Requiring insurance companies to rollback medical malpractice premiums to January 1, 2002 rates, estimated to save doctors at least 20% on their premiums.
- Requiring a patient safety plan for hospitals, as well as continuing education for doctors to study the five most common misdiagnoses, therefore maintaining the highest levels for patient safety.
- Extend the time period during which parties can settle a case without fear of bad faith litigation.
- Improve the expert witness process to make sure only duly qualified experts are allowed to testify in Florida.

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JAMES E. "JIM" KING, JR.
President

ALEX DIAZ DE LA PORTILLA
President Pro Tempore

August 19, 2003

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We have worked diligently to craft a comprehensive package of reforms that addresses all the issues from all sides. Our package includes litigation reform, insurance reform, and regulatory reform to ensure high standards of care are maintained. These reforms are intended to provide immediate relief to the crisis so that doctors can purchase and maintain malpractice insurance and continue to provide the best health care possible for Florida's continually growing population.

While the medical malpractice insurance crisis is not over yet, the Florida Senate believes that we have created real reform for the real world that will ultimately improve the quality of care and increase patient safety, immediately alleviate the high prices of malpractice insurance, reduce significantly the number of frivolous lawsuits, rid the healthcare profession of bad doctors, and enable victims of malpractice to be justly compensated. Our solution is balanced, comprehensive, and equitable, and I am certain it will bring the immediate relief to the crisis that we all know is needed.

If you are interested in receiving a copy of the legislation, please go to www.flsenate.gov or call my office at 1-888-263-7895. I look forward to receiving your comments.

Senator Ken Pruitt